

GOVERNMENT CODE - GOV

TITLE 8. THE ORGANIZATION AND GOVERNMENT OF COURTS [68070 - 77655]

(Title 8 added by Stats. 1953, Ch. 206.)

CHAPTER 5.7. Superior Court Facilities [70301 - 70508]

(Chapter 5.7 added by Stats. 2002, Ch. 1082, Sec. 4.)

ARTICLE 9. Conveyance: Court Facility Property: County of San Diego [70500 - 70508]

(Article 9 added by Stats. 2017, Ch. 17, Sec. 23.)

70500.

For purposes of this article, the following definitions shall apply:

(a) "Central courthouse project" means the project analyzed in the Judicial Council EIR to construct the San Diego Central Courthouse and perform the demolition project.

(b) "Central jail" means the county-owned central jail located at 1173 Front Street in the City of San Diego.

(c) "City EIRs" means both the March 2008 City of San Diego Program Environmental Impact Report for the City of San Diego's General Plan (State Clearinghouse No. 200691032), as updated, and the March 2006 Final Environmental Impact Report for the San Diego Downtown Community Plan (State Clearinghouse No. 2003041001), as updated.

(d) "County property" means the county-owned city block in the City of San Diego bounded by West A Street to the north, Union Street to the west, West B Street to the south, and Front Street to the east.

(e) "Demolition project" means the demolition of any or all improvements on the San Diego property or the county property, and the construction of the inmate tunnel.

(f) "Development project" means the disposition and development of all or a portion of the San Diego property and the county property by the County of San Diego, or its successors, lessees, or agents, including any agreements therefor, in a manner consistent with the City of San Diego's General Plan and the San Diego Downtown Community Plan.

(g) "Improvements" means the existing courthouse building located on the San Diego property and the county property and the former county jail facility located on the San Diego property.

(h) "Inmate tunnel" means a tunnel that will transport inmates between the central jail and the San Diego Central Courthouse.

(i) "Judicial Council EIR" means the Environmental Impact Report dated December 2010, State Clearinghouse No. 2000021015, certified by the Judicial Council in December 2010, as amended.

(j) "San Diego Central Courthouse" means the real property and improvements described in subdivision (d) of Section 70501.

(k) "San Diego property" means both the real property described in subdivision (a) of Section 70501 and the improvements.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70501.

The Legislature finds and declares all of the following:

- (a) The state owns two contiguous parcels of real property consisting of approximately 2.59 acres located in the City of San Diego on two city blocks bounded by West B Street on the north, Union Street on the west, Broadway on the south, and Front Street on the east. Two buildings are located on the real property. One of the buildings is a courthouse building that is used by the Superior Court of California, County of San Diego, as a trial court facility and by the County of San Diego for county offices. Only a portion of the existing courthouse building is located on the state property. The other building is a former county jail facility.
- (b) A portion of the existing courthouse building is located on the adjacent county property. The state owns the portion of the existing courthouse building that is located on the county property, but the County of San Diego owns fee title to the county property.
- (c) The existing courthouse building will be replaced as part of an overall plan for consolidation and upgrade of the court facilities in the County of San Diego.
- (d) The Judicial Council has constructed the new San Diego Central Courthouse on state-owned property in the downtown area of the City of San Diego that is bounded by West B Street on the north, State Street on the west, West C Street on the south, and Union Street on the east. The new San Diego Central Courthouse will fully replace all space occupied by the superior court in the existing courthouse building located on the San Diego property and the county property, and will improve and enhance the safety and efficiency of superior court operations.
- (e) The Administrative Director of the Courts may, pursuant to Section 70502, convey the San Diego property to the County of San Diego for the public purpose of promoting public safety by facilitating the construction of the inmate tunnel.
- (f) After acquisition of the San Diego property, the County of San Diego intends to perform the demolition project on all or a portion of the San Diego property and the county property, and perform the development project on all or a portion of the San Diego property and the county property.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70502.

- (a) (1) Notwithstanding any other law, the Administrative Director of the Courts is hereby authorized, on behalf of the state, to convey to the County of San Diego fee title to the San Diego property in exchange for the county's release of the Judicial Council and the state from all obligations related to the demolition project, the county's agreement to the condition in paragraph (2), and otherwise upon the terms and conditions, and subject to the reservations, the Judicial Council deems to be in the best interests of the state, for the public purpose of promoting public safety by facilitating the construction of the inmate tunnel.
- (2) The Administrative Director of the Courts shall not convey any interest in the San Diego property to the County of San Diego unless the County of San Diego agrees that no new detention facility, or an expansion of the currently leased or

contracted beds in a detention facility, will be constructed on any parcel of the San Diego property.

(b) Any sale, exchange, or lease of the San Diego property or the county property by the County of San Diego as part of a development project shall not constitute a disposition of surplus property under Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.

(c) In connection with any conveyance of the San Diego property pursuant to the authority granted in subdivision (a), the Administrative Director of the Courts shall have the right and authority to enter into amendments of the existing written agreements in effect as of the operative date of this article, between the County of San Diego and the Judicial Council, that are necessary to reflect the terms of the conveyance described in subdivision (a).

(d) The conveyance of the San Diego property to the County of San Diego, on behalf of the state, shall not cause or result in any obligation of the County of San Diego to provide necessary and suitable facilities under Section 70311.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70503.

The Board of Supervisors of the County of San Diego is authorized to approve a lease for any or all of the San Diego property and the county property, which actions shall not be subject to Article 8 (commencing with Section 25520) of Chapter 5 of Part 2 of Division 2 of Title 3.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70504.

(a) With respect to the Judicial Council EIR of the central courthouse project, the Legislature finds and declares all of the following:

(1) The County of San Diego's approval of the acquisition of the San Diego property or approval of the demolition project does not propose any substantial changes to the central courthouse project.

(2) The Judicial Council's approval of the conveyance of the San Diego property to the County of San Diego in exchange for the county's release of the Judicial Council and the state from all obligations related to the demolition project does not propose any substantial changes to the central courthouse project.

(3) There are no substantial changes in the circumstances under which approval of the conveyance of the San Diego property to the County of San Diego, the county's acquisition of the San Diego property, or approval of the demolition project will be undertaken that will require major revisions to the Judicial Council EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects.

(4) There is no new information of substantial importance, as that phrase is described and used in Section 21166 of the Public Resources Code or Section 15162 of Title 14 of the California Code of Regulations, affecting the central courthouse project.

(b) Pursuant to subdivision (a), both of the following shall apply:

(1) The previously-certified Judicial Council EIR is hereby deemed adequate and approved for the Judicial Council's conveyance of the San Diego property to the County of San Diego and the County of San Diego's approval of the acquisition of the San Diego property and the demolition project.

(2) No subsequent or supplemental environmental impact report, addendum, or environmental documentation shall be required pursuant to the California Environmental Quality Act (CEQA)(Division 13 (commencing with Section 21000) of the Public Resources Code).

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70505.

(a) With respect to the city EIRs of the City of San Diego's General Plan and the San Diego Downtown Community Plan, which were conducted in compliance with CEQA, the Legislature finds and declares all of the following:

(1) Section 21083.3 of the Public Resources Code and Section 15183 of Title 14 of the California Code of Regulations, for development projects consistent with a community plan, general plan, or zoning, shall be deemed to apply to any development project.

(2) There are no project-specific significant effects that are peculiar to a development project, the San Diego property, or the county property, there are no significant effects, including offsite and cumulative impacts, that were not analyzed in the city EIRs, and there are no new or more severe adverse effects than those discussed in the city EIRs.

(b) Pursuant to subdivision (a), the previously certified city EIRs are hereby deemed adequate and approved under CEQA for any development project, and no further environmental review shall be required pursuant to CEQA and its implementing regulations.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70506.

The exemption from CEQA for existing facilities identified in Section 15301 of Title 14 of the California Code of Regulations shall be deemed to apply to any lease authorized by the Board of Supervisors of the County of San Diego for any or all of the improvements on the San Diego property and the county property.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70507.

The demolition project shall be deemed to be a project that is separate and distinct from the development project. The demolition project and development project serve different purposes, have independent utility, and can be implemented independently.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)

70508.

Any legal challenge that is brought against the County of San Diego with regard to the demolition project or the development project shall not result in a reconveyance of the San Diego property to the state.

(Added by Stats. 2017, Ch. 17, Sec. 23. Effective June 27, 2017.)